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SUBJECT: Tanzania TIP report

REFTEL: STATE 03836, STATE 25229

1. (U) Post submits the following responses to questions posed in refTel A regarding the sixth annual trafficking in persons report. Point of contact for trafficking issues in Tanzania is Political Officer Maureen B. Latour who may be reached by telephone at 255.22.2668001, extension 4107 and by fax at 255.22.2668224. The responses herein were prepared by one Political Officer and one Political Assistant over approximately 40 hours each.

2. (SBU) Tanzania is a country of origin, transit and destination for women and girls trafficked for forced labor and sexual exploitation and, to a lesser extent, boys trafficked for forced labor. Most trafficking is internal and young girls are at a higher risk of being trafficked. Victims are lured by the promise of an income, the opportunity to attend school and better living conditions, especially from rural to urban areas. Boys are trafficked for exploitative work on farms, in mines, and in the large informal sector. Girls from rural areas are trafficked to urban centers for involuntary domestic labor, but many flee abusive employers and turn to prostitution for survival. Tanzanian girls are also reportedly trafficked to South Africa, Oman, the United Kingdom, and possibly other European or Arabian countries for forced domestic labor.

3. (SBU) In order to determine the extent and magnitude of the trafficking problem, a data collection project began in six regions in February 2005. Conducted by Research International through the International Organization for Migration and with the cooperation of the government, the systematized data collection project will result in an integrated database on human trafficking. The reliability of the numbers and the sources of data are anticipated to be very high.

4. (SBU) The political will to address trafficking in persons in Tanzania increased from the prior year. A low level of knowledge about the full extent of the problem (which the March-April research assessment will address) persists, but officials recognize the term "trafficking in persons", acknowledge that persons are trafficked in Tanzania and are participating in the March research assessment to . A few key officials are taking active roles in increasing awareness of the problem and proposing revised legislation and tracking of prosecutions.

5. (SBU) The Ministry of Foreign Affairs assumed the lead in coordinating government agencies and chairs the inter-ministerial committee on trafficking in persons. A cross-section of government officials, NGO representatives and media attended a three-day off-site conference "Concepts, Challenges and Strategies to Combat Human Trafficking in East Africa." The government named an assistant superintendent of police as Research Coordinator for Human Trafficking. The Research Coordinator and an official from the Ministry of Justice attended a three-day training of legal experts on the formulation and implementation of the SADC Declaration and Plan of Action against Trafficking in Persons. A review of Tanzanian law on the subject prompted debate in several ministries regarding whether and how to revise the law to better address trafficking in persons.

6. (SBU) At least some traffickers are based in urban areas and travel to rural areas specifically to recruit young girls. Traffickers frequently make an agreement with the child's parents, agreeing to pay between 10,000 shillings (approximately 8 USD) and 30,000 shillings (approximately 25 USD) to take the child with the additional promise that the child will be earning an income which could be shared with the family. Traffickers indicate this income would be paid to the child but in reality no income is paid to anyone for the child's work.

7. (SBU) Trafficked victims are transported by various means. Some traffickers put the recruited children on trucks transporting produce to the urban areas because this is cheaper than buses. When the truck arrives at the city or town, another trafficker meets the truck and they are offered to persons as domestic servants. Other children are rescued from railway stations, found by police and referred

to NGOs for assistance. Other trafficking victims are picked up by truck drivers on long runs of up to one month. The drivers sexually abuse the trafficked victims and then abandon them.

18. (SBU) The government's ability to address this problem is limited by funding constraints, a lack of comprehensive legislation concerning trafficking in persons and a lack of knowledge beyond a central core of key officials. Training of police and prosecutors is needed and the possibility of corruption must be addressed. Increased awareness and prosecutions will necessitate increased capacity for assisting victims.

19. (SBU) The government acknowledges that trafficking is a problem in Tanzania. The Ministry of Foreign Affairs chairs an inter-ministerial committee on trafficking in persons. Other participating ministries are: Justice; Public Safety and Security; Home Affairs; Labor, Youth and Employment; Community Development, Gender and Children; Education and Vocational Training; and Natural Resources and Tourism. Additionally, representatives from the President's Office, Tourism Commission of Zanzibar, Zanzibar Chamber of Commerce, NGO's and the media participated in a training workshop on trafficking in persons.

110. (SBU) The government does not have the resources to undertake an anti-trafficking education campaign; however, the government welcomes the information disseminated by NGOs. The government does not yet monitor its anti-trafficking efforts as they are at the beginning stages.

111. (SBU) The Ministry of Education and Vocational Training has assumed responsibility for over 300 centers that keep at-risk children in school. The Time-Bound program funded by the U.S. Department of Labor funded the creation of over 300 centers as well as printed and recorded educational materials for use in Interactive Radio Education (IRE). This method has proved effective in reaching children in remote areas and without fully-trained teachers. The Ministry of Education and Vocational Training and Radio Tanzania have committed to continue this program for the coming school year.

112. (SBU) The relationship between government officials, NGOs and other elements of civil society is good; however, the NGOs are convinced the problem is severe while the government officials believe trafficking in persons to be serious, but relatively infrequent. The relationship between NGOs and the Dar es Salaam police is particularly cooperative.

113. (SBU) The government needs additional training and resources in order to monitor immigration and emigration patterns for evidence of trafficking. Law enforcement agencies do not screen for potential trafficking victims along borders.

114. (SBU) The government's inter-ministerial committee on trafficking in persons provides a mechanism for communication and coordination between various agencies. The committee designated a Research Coordinator for Human Trafficking who serves as the point of contact for trafficking in persons issues. The Prevention of Corruption Bureau, a semi-autonomous department under the supervision of the President's Office, addresses and combats public corruption.

115. (SBU) Key government officials met and discussed the drafting of a national plan of action to address trafficking in persons. The meeting yielded an outline of recommendations for a national plan.

116. (SBU) The law criminalizes "trafficking in persons"; however, the term is defined so as to include some acts that are not considered trafficking in persons under the international definition and excludes most other acts that are so considered. The law states any person who engages in the buying, selling or bartering of any person, or in the promoting, facilitating or inducing the buying or selling or bartering or the placement in adoption of any person commits the offense of trafficking. The law addresses both internal and transnational movement of persons. Sexual offenses and forced labor offenses are addressed in separate sections of the penal code and are not linked to any definition of trafficking in persons. Tanzanian law is inadequate to cover the full scope of trafficking in persons as it lacks precise definitions and significant parts of the offense. In order to effectively address trafficking in persons, the following provisions of Tanzanian law should be reviewed and harmonized: Penal Code, Criminal Procedure Act, Extradition Act, Mutual Legal Assistance in Criminal Matters Act, Evidence Act, Immigration Act, Passport and Travel Documents Act, Transfer of Prisoners Act and other subsidiary legislation.

17. (SBU) The Tanzanian definition of trafficking in persons is punishable by imprisonment for not less than 20 and not more than 30 years, a fine of not less than 100,000 shillings (approximately USD 85) and not more than 300,000 shillings (approximately USD 255), or both. In addition, the court may order the convicted trafficker to pay compensation to the victim in an amount determined by the court. Sexual offenses, including forcible sexual assault, are punishable by imprisonment of a term from three years to life. Forced labor offenses are punishable by imprisonment for from one to ten years. The penalty for rape is imprisonment for up to 30 years and restitution to the victim. Therefore, forced labor offenses have a less stringent penalty than trafficking, but sexual offenders may incur a penalty either more or less stringent than for trafficking.

18. (SBU) Prostitution is criminalized and carries a penalty of imprisonment for a term of not less than ten years and not exceeding twenty years, a fine of not less than 100,000 shillings (approximately USD 85) and not more than 300,000 shillings (approximately USD 255), or both. The law addresses any person who "procures or attempt to procure" a person to become a prostitute or who transports a person for the purpose of prostitution, but does not specifically address clients or enforcers. The laws are enforced occasionally, but not consistently.

19. (SBU) The government prosecuted two cases against suspected traffickers in 2004, and both resulted in acquittals. The Research Coordinator for Human Trafficking cannot identify any specific pending cases against traffickers. The different definition of "trafficking in persons" used in Tanzanian law and the lack of comprehensive legislation in this area makes tracking prosecution of trafficking in persons offenses particularly difficult.

20. (SBU) Reports of who is behind the trafficking are speculative. There are no reports of organized crime groups, and no connection with narcotics or arms trafficking is suspected. The limited information available indicates trafficking occurs in Tanzania due to freelance operators working individually or in small groups and government officials willing to turn a blind eye for a price.

21. (SBU) The government does not actively investigate cases of trafficking due to the confusion of the legislative definition. Techniques such as electronic surveillance, undercover operations and mitigated punishment or immunity for cooperating suspects exceed the capacity of Tanzanian law enforcement. The criminal procedure code does not prohibit the police from engaging in covert operations. The government would appreciate training in how to recognize, investigate and prosecute instances of trafficking but does not yet have the capacity to provide such training itself. Interpol is present in Tanzania but no cooperative international investigations of trafficking in persons have occurred. The government is not prohibited by law from extraditing its own nationals, but had no information on any extraditions regarding trafficking in persons.

22. (SBU) Government involvement in, or tolerance of, trafficking is suspected but not proven. The most common accusation is that law enforcement officers will overlook prostitution in exchange for a fee.

23. (SBU) Child sex tourism is not identified as a problem in Tanzania.

24. (SBU) Tanzania signed and ratified the following international instruments on the dates listed:

ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor, October 2000;

ILO Convention 29 and 105 on forced or compulsory labor, 1962;

The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography, April 2003;

United Nations' Convention Against Transnational Organized Crime, July 28, 2005;

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, July 28, 2005; and Protocol Against the Smuggling of Migrants by Land, Sea and Air, July 28, 2005;

25. (SBU) The government provides assistance to victims through NGOs. The government provides family planning services, condoms and medical supplies, including drug regimens for sexually transmitted diseases and HIV test kits, to NGOs that assist trafficking victims. The government also trains the NGO staff members on health and family planning issues and provides trafficking victims access to health clinics. This assistance is also available to repatriated nationals who are being assisted by the NGOs. Government authorities refer trafficking victims to NGOs where there are NGOs providing services; however, there are areas without any such assistance and the fate of victims in

those areas is not known.

126. (SBU) The government respects the rights of victims; however, some individuals who are deported may have been victims of trafficking but were deported before an assessment can be completed. Victims may file civil suits against the traffickers and there is at least one such case (for sexual offenses) pending. No one impedes victims' access to legal redress and a victim is allowed to appear in camera.

127. (SBU) The government sent four police officials (the head of the Interpol Unit and three prosecutors) and four immigration department to training on conducting trafficking investigations in October 2004. These individuals have been sharing their training with their colleagues informally, thereby increasing awareness of trafficking in persons.

128. (SBU) Victim assistance is provided by local NGOs KIWOHEDE (Kiota Women's Health Center), CHODAWA (Conservation Hotel Domestic and Allied Workers Union) and the International Office of Migration. These organizations enjoy cooperation from local authorities, having formed task forces with local leaders, police and government officials.

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